

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

EASTLAND MUSIC GROUP, LLC, a Florida Limited
Liability Company, and RAYNARLDO WHITTY

Plaintiffs,

v.

LIONSGATE ENTERTAINMENT, INC., a Delaware
Corporation, SUMMIT ENTERTAINMENT, LLC, a
Delaware Limited Liability Company, and MANDATE
PICTURES, LLC, a Delaware Limited Liability Company,

Defendants.

Case No: 11-cv-08224

Judge Lindberg

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

MAY 14 2012

FILED

**DECLARATION OF TOM J. FERBER IN SUPPORT OF DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

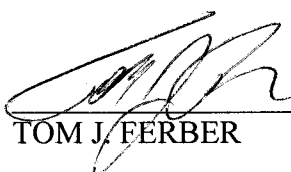
Tom J. Ferber declares as follows:

1. I am a member of Pryor Cashman LLP, counsel for Defendants Summit Entertainment, LLC, Mandate Pictures, LLC and Lions Gate Entertainment, Inc. I submit this declaration in connection with Defendants' motion pursuant to Federal Rule of Civil Procedure 12(b)(6), for the sole purpose of putting into the record before the Court a copy of Defendants' film, "50/50" (the "Film"), which is the subject matter of the Complaint.

2. Submitted herewith as Exhibit A is a true and correct copy of the Film, in DVD format, together with its commercial packaging, as it is offered to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10, 2012.


TOM J. FERBER

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Defendants.

CERTIFICATE OF SERVICE

I, Joseph P. Bonavita, an attorney, hereby certify that I served a copy of the *Declaration of Tom J. Ferber in Support of Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)*, along with Exhibit A (true and correct copy of the film, "50/50", in DVD format) on the following individual(s) via messenger on May 14, 2012.

Ronald A DiCerbo
McAndrews, Held & Malloy, P.C.
Northwestern Atrium Center
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Suite 3400
Chicago, IL 60661
rdicerbo@mhmlaw.com



Joseph P. Bonavita

Exhibit A

(True and Correct Copy of the Film, "50/50", in DVD Format)